

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

PRINCE GEORGE JENNINGS,

Plaintiff,

v.

UNITED STATES FEDERAL CLAIMS
COURT, et al.,

Defendants.

No. 5:21-CV-141-H

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**


Prince George Jennings, proceeding pro se, filed an Application for Federal Tort Claim on June 29, 2021. Dkt. No. 1. After United States Magistrate Judge Bryant issued orders and notices of deficiency (Dkt. No. 4; 8), Jennings filed an amended complaint (Dkt. No. 10), a second amended complaint (Dkt. No. 11), and a third amended complaint (Dkt. No. 12), which is the operative pleading in this case. In addition, Jennings filed motions to proceed *in forma pauperis* (Dkt. Nos. 6; 9). And lastly, Jennings filed a motion to acquire real property. Dkt. No. 13. Judge Bryant reviewed the complaints and motions, and he submitted findings, conclusions, and a recommendation to this Court. Dkt. No. 14. Judge Bryant recommends that the Court either (1) deny Jennings's motions to proceed IFP and dismiss the action without prejudice under Fed. R. Civ. P. 41(b), or (2) dismiss Jennings's action for lack of subject-matter jurisdiction and deny the pending motions to proceed IFP. Dkt. No. 14 at 9. In addition, Judge Bryant recommends that the Court deny as moot Jennings's motion to acquire real property. *Id.*

Where no specific objections are filed within the 14-day period, the Court reviews the Magistrate Judge's findings, conclusions, and recommendation only for plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1); *Serrano v. Customs & Border Patrol, U.S. Customs & Border Prot.*, 975 F.3d 488, 502 (5th Cir. 2020). Jennings did not file objections within the 14-day period.

The Court has examined the record and reviewed the FCR for plain error. Finding none, the Court accepts and adopts the FCR (Dkt. No. 14). The Court specifically finds that Jennings's action is factually frivolous and insubstantial and, therefore, lacks a basis for subject-matter jurisdiction. In doing so, the Court notes that it has provided Jennings with multiple opportunities to amend his complaint, and he has done so to no effect.

Accordingly, Jennings's third amended complaint (Dkt. No. 12) and the claims within it are dismissed without prejudice. Jennings's motions to proceed IFP (Dkt. Nos. 6; 9) are denied and his motion to acquire real property (Dkt. No. 13) is denied as moot.

So ordered on November 16, 2021.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE